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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,429	01/15/2002	Eliyahou Harari	M-10214-7C US	6805

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EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,429

Applicant(s)

HARARI ET AL.

Examiner

Kim Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on preliminary amendment filed 1/15/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5 sheets</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 50-63 and 66-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Walters (US 5,357,573).

a. Claims 50, 59-63, 66, 67, and 71, Walter discloses a system for encoding/decoding the application program (user data) using a protection and comparison code/routine (useful information for encoding/decoding process) wherein the data and the information are both stored in different portions of a non-volatile memory 2 being a flash chip or EEPROM (col. 3, ll. 59-68) wherein the memory card having a controller 6 for controlling the read/write of the memory and a connector 8 for connecting to host memory for the transmitting of the data. Walters discloses the encoded user data stored in the first portion (modified application program) and a data information useful to the decode of the encoded user data stored in the second portion (protection code and protection routine, see claim 8, col. 6, ll. 41-52, see Fig. 2-4 and col. 3, ll. 59-65 for the first and second portion of the memory).

As for the recitation of the mother card and the first and second host, please note the memory card of Walter is connected to the first computer system (hence the mother

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board) during the production and second host during usage of the memory. Since the memory card is connected to the computer, it is inherent that the card is connected to the motherboard of the host. As for the mother card having a controller, this is an inherent features of computer's motherboard.

b. Claims 51-58, 68-70, 72-75, Walter discloses the user data is compressed/encoded user data (modified application program, claim 6, ll. 42-53) and the useful information being decompression/decryption algorithm/key (protection and comparison code/routine are algorithm/key for performing the decoding of the application program). Please also note, encrypt data is a form of compressed data.

3. Claims 50-64, 66-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (US 5,093,731).

Watanabe discloses a memory card 1 for storing picture from a still camera, the memory card having a flash memory array 2 storing encoded data (images M) and information useful to the decoding of the data (see col. 3, ll. 10-47). The memory card having a connector for connecting to the camera and the first host being a still camera and the information is visual field data obtained the camera and the second host being a playback apparatus.

Wananabe discloses the memory card having a connector for connecting to the motherboard of the host device.

4. Claims 50-63 and 66-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin (US 4,935,962, Mollier et al. (US 4,656,474).), Ishording (US 4,816,651) or Viricel (US 5,343,530),

Austin Mollier, Ishording, and Vircel discloses various system having a volatile memory card system having for storing both encoded data and information useful for the decoding of the encoded data being a key, algorithm for decompressed, decrypt the encoded data.

a. Austin discloses card 30 is removable connectable to/from the first and second host (recording and authenticating devices) via I/O interface 44/64 where in the memory is 42, data is M and information useful for the decoding of the encoded data (S, F, N, d, e) being secret key, public key and algorithm for decompressed, decrypt the encoded data (decompression is a form of decryption, col. 1, l. 63- col. 2, l. 8).

The card 30 is removable connectable to/from the first and second host (recording and authenticating devices) via I/O interface 44/64.

b. Molier discloses a system for storing on and retrieving user data M from a non-volatile memory card (transmitting device 1) comprising: encoding the user data M (col. 5, ll. 53-65), storing both the encoded user data and information useful to decode the encoded user data on the memory card 1 (col. 2, ll. 59-67), thereafter reading both the encoded user data and the decoding information from the memory card [signed message (M, I, SG) including signature and col. 6, ll. 36-37], and decoding the read encoded user data by use of the decoding information read from the memory card, thereby to obtain the user data (col. 7, l. 60 to col. 7, l. 43 and col. 8, ll. 16-23).

c. Ishording discloses a non-volatile memory card having flash EEPROM array MDC, encoded user data (INF) and information useful to the decoding of the encoded data (SK) on the first and second portion of the array (col. 2 ,ll. 45-66). The encoded

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user data includes encrypted user data and information includes decryption algorithm/key.

d. Similarly, Viricel discloses a system for storing both encoded data D and information useful to the decoding of the data in the EEPROM array 16; wherein the information useful to the decoding being a key K and encrypting algorithm C .

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 65 is rejected under 35 U.S.C. 103(a) as being obvious over Watanabe.

Watanabe does not disclose the playback device being a personal computer.

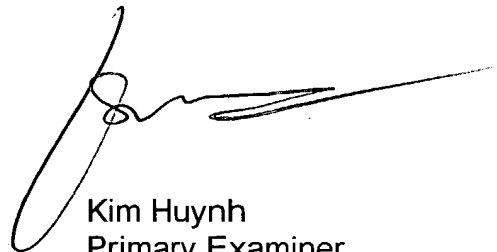
However, it is well known that memory cartridge of digital camera are utilized by computer for view images on the cartridge for use by personal computer for playing back the images. Therefore, it would have been obvious to one having ordinary skill in the art to utilize the cartridge by another digital camera or a PC for viewing purpose as a matter of preference which does not affect the function of the memory cartridge. This is no more than an intended use of the cartridge and does not result in a structural difference of the claimed invention.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678. Effective 10/20/04, the new telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kim Huynh', with a long horizontal stroke extending to the right.

Kim Huynh
Primary Examiner
Art Unit 2182

KH
9/22/04